



PENDING

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To amend the Fair Labor Standards Act of 1938  
to clarify provisions relating to overtime pay.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

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**AMENDMENT No. 3107**

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Page(s)

GPO: 2002 83-247(Mac)

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by  
\_\_\_\_\_

Viz:

1 At the appropriate place, insert the following:

2 SEC. \_\_\_\_ . **PROTECTION OF OVERTIME PAY.**

3 Section 13 of the Fair Labor Standards Act of 1938  
4 (29 U.S.C. 213) is amended by adding at the end the fol-  
5 lowing:

6 “(k) Notwithstanding the provisions of subchapter II  
7 of chapter 5 and chapter 7 of title 5, United States Code

1 (commonly referred to as the Administrative Procedures  
2 Act) or any other provision of law, any portion of the final  
3 rule promulgated on April 23, 2004, revising part 541 of  
4 title 29, Code of Federal Regulations, that exempts from  
5 the overtime pay provisions of section 7 any employee who  
6 would not otherwise be exempt if the regulations in effect  
7 on March 31, 2003 remained in effect, shall have no force  
8 or effect and that portion of such regulations (as in effect  
9 on March 31, 2003) that would prevent such employee  
10 from being exempt shall remain in effect. Notwithstanding  
11 the preceding sentence, the increased salary requirements  
12 provided for in such final rule at section 541.600 of such  
13 title 29, shall remain in effect.”.